

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:02CR164
)
Plaintiff,)
)
vs.) ORDER
)
YAMIL RIVERA-KADER,)
)
Defendant.)

This matter is before the court on the government's motion for an extension of time in which to complete the discovery in this matter (Filing No. 435). Counsel for the government represents that counsel for defendant Yamil Rivera-Kader (Rivera-Kader) does not oppose the motion. For good cause shown, the motion will be granted. The progression order will be modified so that the pretrial motion deadline will be extended and the trial date will be adjusted.

IT IS ORDERED:

1. The government's motion for an extension of time (Filing No. 435) is granted.
2. Counsel shall confer and accomplish the automatic discovery provided for in Rule 16, Fed. R. Cr. P., on or before **September 21, 2005**, and shall adhere to the continuing duty to disclose such matters pursuant to Rule 16(c), Fed. R. Cr. P.
3. Defendant Rivera-Kader is given to **on or before October 14, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 430).
4. The October 11, 2005, trial setting of this matter is **canceled** and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order.
5. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between September 1, 2005 and**

October 14, 2005, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

6. The evidentiary hearing tentatively scheduled for 9:00 a.m. on September 14, 2005, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 1st day of September, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge